

U.S. Patent Application No. 09/900,533
Amendment After Final dated December 9, 2003
Response to Office Action dated July 16, 2003

REMARKS/ARGUMENTS

Reconsideration and continued examination of this application are respectfully requested.

The amendment to the claims are fully supported by the present application, including the claims as originally filed as well as, for instance, pages 8, 11, 12, and 18. Accordingly, no questions of new matter should arise. Furthermore, the amendment should not raise any new questions of patentability or necessitate any further searching on the part of the Examiner since the Examiner has already considered similar limitations. Furthermore, the amendment places the application in immediate condition for allowance or at the very least in a better condition for appeal. Accordingly, entry of this amendment is respectfully requested.

With respect to the amendments, the term "about" has been deleted from claim 1. Claims 25 and 34 have been amended to recite the pH of the completion fluid or spent completion fluid. Claims 33 and 41 have been converted to independent claims. Claim 55 has been amended to recite that the alkali metal formate includes cesium formate and is now dependent on claim 33.

By this amendment, claims 1-60 are pending. While claims 11-24, 44-52, and 58 are withdrawn, the applicants believe that with the allowance of claim 1 and the remaining independent claims, these claims should be allowable as well since they relate to method claims that are using the compositions of the independent claims that have been examined. Accordingly, the Examiner is respectfully requested to include these claims at this time and to allow the claims.

At page 2 of the Office Action, the Examiner rejects claims 9 and 32 under 35 U.S.C. §112, first paragraph. The Examiner asserts that these claims contain subject matter not set forth in the specification. Particularly, the Examiner asserts that the specification teaches a maximum of 2.2 for the specific gravity of the composition and refers to page 26. For the following reasons, this

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rejection is respectfully traversed.

In response, as the Examiner knows, the density of a solid or liquid is equal to the specific gravity of the same solid or liquid. The present application, in the claims as well as in the specification, for instance, at page 12, specifically recites the density of the composition which can be from about 1.2 to about 2.4. Thus, the specific gravity would be the same since the composition is a liquid or solid. Thus, there is clear support for the recitation of a specific gravity of from about 1.2 to about 2.4. In addition, as indicated previously, International Patent Application No. WO 96/31435, for instance, at page 10, line 34 specifies a specific gravity of between 1.2 to about 2.5 for this type of fluid. This International Patent Application was specifically incorporated by reference at page 9, line 7 of the present application. Accordingly, clear support does exist for the subject matter of claims 9 and 32 as amended. Accordingly, this rejection should be withdrawn.

At the bottom of page 2 of the Office Action, the Examiner rejects claims 30, 31, 43, and 59 under 35 U.S.C. §112, second paragraph. The Examiner asserts that these claims are indefinite because the phrase "mutual solvent" does not have antecedent basis. For the following reasons, this rejection should be withdrawn.

With respect to these claims, these claims have been amended to address the antecedent basis remarks raised by the Examiner. These amendments are editorial in nature. Accordingly, this rejection should be withdrawn.

At page 3 of the Office Action, the Examiner rejects claims 1, 3, 5, 6, 8-10, 25-32, 34-43, and 54-56 under 35 U.S.C. §102(e) as being anticipated by Parlar et al. (U.S. Patent No. 2001/0036905 A1). The Examiner asserts that Parlar et al. shows a filter cake clean up composition which includes a breaker such as a chelating agent, a certain acid, and a brine which can contain potassium formate

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or cesium formate. The Examiner further asserts that even at a level of 70% brine, the Examiner believes that this would encompass the 40-95% by weight limitation in claim 1. Furthermore, the Examiner asserts that the pH of "about 9" would be inclusive of the pH of 8 set forth in Parlar et al. For the following reasons, this rejection is respectfully traversed.

As stated by the Examiner, Parlar et al. only teaches or suggests, at most, a pH of 8 regarding the filter cake composition. While the applicants believe that the term "about 9" set forth in claim 1 would clearly avoid a pH of 8 considering the differences with respect to each pH number, to expedite the prosecution of this application, claim 1 has been amended to recite a pH of from 9 to about 14. Accordingly, claim 1 and the claims dependent thereon should be allowed over Parlar et al. With respect to the remaining independent claims and the claims dependent thereon, claims 25 and 34 now recite the same pH language as set forth in amended claim 1. In addition, claim 41 has been amended to be independent and include the language of claim 34 prior to this amendment. The applicants note that the Examiner has indicated that claim 33 is objected to and otherwise would be allowable and therefore it would appear that claim 41 which contains the same language should also be allowable as written since it incorporates the language of claim 34 as previously pending.

In view of the above, the rejection should be withdrawn.

The applicants appreciate the Examiner's indication that claims 4, 7, 33, and 53 are objected to but otherwise would be allowable. As indicated above, claim 33 has been made independent and the applicants believe that claim 41 should also be allowable in view of the Examiner's indication with respect to claim 33. Furthermore, in view of the above comments, the applicants believe that all claims are in condition for allowance. The Examiner is encouraged to contact the undersigned

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by telephone should there be any remaining questions as to the patentability of the present application over the cited references.

Furthermore, as indicated above, should the Examiner agree that all claims are in condition for allowance, then, the withdrawn claims, which are dependent on the examined claims, should also be in condition for allowance.

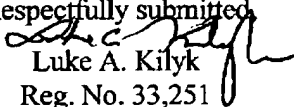
Finally, the applicants do wish to point out that with respect to the Information Disclosure Statement filed on July 10, 2003, the applicants have not received a returned Form-1449 showing the Examiner's consideration of these references. The Examiner is respectfully requested to show his consideration of these references by returning a signed 1449 form. The applicants and the undersigned appreciate the Examiner's cooperation in this matter.

CONCLUSION:

In view of the foregoing remarks, the applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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